

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY J. ALLEGRINO II : CIVIL ACTION
 :
V. :
 :
FIDELITY INVESTMENTS, INC., *et al.* : NO. 09-2573

MEMORANDUM

FULLAM, Sr. J.

September 9, 2009

The defendants have moved to dismiss this ERISA action for improper venue or to transfer it to Texas. The plaintiff, a New York resident, has sued various entities and one individual, alleging that he has been denied pension benefits payable after the death of his brother, who worked in Texas.

If the Fidelity entities are properly named, then venue likely lies in this District pursuant to ERISA's specific venue statute. See 29 U.S.C. § 1132(e)(2) ("Where an action under this subchapter is brought in a district court of the United States, it may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found, and process may be served in any other district where a defendant resides or may be found.").

Assuming that the case was properly filed in this District, the litigation nevertheless belongs in Texas, where the plaintiff's brother worked, where the plan was administered, and where, it appears, all relevant documents and witnesses may be

found. See Jumara v. State Farm Ins. Co., 55 F.3d 873, 879 (3d Cir. 1995). The plaintiff has not identified any Pennsylvania connection to the dispute.

An order will be entered.

BY THE COURT:

/s/ John P. Fullam
Fullam, Sr. J.